

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 8, 1945
11:00 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Alford, Bartholomew, Gillis, Mayor Miller - 4
Absent : Councilman Wolf - 1

Present also: Walter E. Seaholm, Acting City Manager; J.E. Motheral, City Engineer; W. T. Williams, City Attorney; and R. D. Thorp, Chief of Police.

On motion, the reading of the minutes was dispensed with.

The following report of the Board of Adjustment was received and ordered spread on the minutes:

"Austin, Texas
February 21, 1945

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on February 13, 1945:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of C. F. Nauert, et al, requesting a change in the USE designation of the following property:

Lots 1, 2, 3, 4, 39, and 40, Block 13; and Lots 12, 13, 14, 15, and 16, Block 14, Outlot 17, Division "C", Ridgetop Annex,

from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board held a hearing on this application on January 24, 1945, at which hearing a large number of residents and property owners adjacent to and in the neighborhood appeared, joining the appellant in requesting this change, on the grounds that they felt the need for a community center at this location, which would provide a grocery store, drug store, barber shop, and other customary neighborhood services, including a bakery; and in opposition to this change appeared the present owner of the existing non-conforming grocery store on the corner of Red River and 47th Streets which had been previously occupied by the appellant and which had been sold to the new occupant, thus forcing the appellant to vacate; and

WHEREAS, the land requested to be changed consists of all lots siding on East 47th Street and fronting on Red River Street and Depew Avenue, different distances as indicated on the attached plat, the applicant owning two lots, being the northwest corner of East 47th Street and Depew Avenue occupied by his residence and backing on an alley running north and south between Depew Avenue and Red River Street; and

WHEREAS, the applicant proposes to build a small building on the rear of his residential lot on the alley, approximately 24 feet by 30 feet, to renew his grocery business only; and

WHEREAS, Mr. J. W. Sanders, who now operates the non-conforming building as stated above, affirms that he bought this property after careful study of the economical soundness of this business and stated that his investigation had led to the conclusion that there was only enough business in this neighborhood for one grocery business at this time and that since his building was of sufficient size if the demand allows, he could add a drug store to his grocery business, thus filling this need as it might arise, and further stated that if two grocery stores were established, one or the other would fail sooner or later; and

WHEREAS, the Board of Adjustment, after the hearing, carefully considered the application and deferred action thereon until an examination of the site and neighborhood could be made by the Board, which was done on the afternoon of February 13, 1945; and

WHEREAS, the inspection of the site and the neighborhood discloses the fact that the property across the street from the applicant's property is now vacant and that the present non-conforming store is of considerable size and formerly served also as a filling station, which space can be incorporated into the building, and that 47th Street is a dead-end street terminating at the Railroad less than one block east of Depew Avenue, and that Red River Street is a main thoroughfare north and south on which the present store is located, and that access to this area from east of the railroad would be had only on

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46th Street, which crosses the railroad and to the north where Red River Street crosses the railroad at 51st Street, thus cutting off more or less the property east of the railroad; and

WHEREAS, the records of the Board of Adjustment disclose the fact that there had originally been a community center established at East 45th Street and Red River and that when a permit had been requested for a business building the neighborhood arose in protest and presented a petition signed by twenty-eight residents owning property in this neighborhood requesting that property zoned as commercial property lying on the east and west sides of Red River Street and extending from Poponoe Street to Ellingson and Keasby Streets, be changed back to "A" Residence District, and the Council changed the designation of this property to "A" Residence District to conform to the surrounding property; and

WHEREAS, at a meeting held on February 13th, the Board again carefully considered the request and considered all conditions and circumstances affecting the change and all the facts disclosed upon visiting the site and the neighborhood, and in the light thereof deemed that it would be inadvisable to make this change at this time on the grounds that the applicant could not provide the community center as requested by the property owners but could only build a small frame temporary building on the back of his lot which could not serve all the various needs of a community center, and that the development of the neighborhood would not economically support two grocery stores at this time and the establishment of two such enterprises would adversely affect the immediate neighborhood, and further that the commercial area asked for is more than is justified by the potential commercial needs of this section of the community, and that the consideration of such a change should be deferred until this community has fully developed and a survey determines the economic soundness of a community center at this location in answer to the needs of the families residing therein and to avoid causing an incipient blight to start in this otherwise stable residential neighborhood; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT;

THAT the change of the property as requested be not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

Pursuant to notice thereof published in the American-Statesman, a daily newspaper published in the City of Austin, the public hearing on the proposal of the City Council to amend the Zoning Ordinance in the following particulars:

To amend the USE designation of the following described property so as to change same from "A" Residence District to "C" Commercial District, to wit:

The property fronting on East 47th Street and lying between Red River Street on the west and Depew Avenue on the east, and more particularly described as Lots 1, 2, 3, 4, 39, and 40, in Block 13; and Lots 12, 13, 14, 15, and 16, in Block 14, Outlot 17, Division "C", Ridgetop Annex, in the City of Austin, Texas,

was opened; and the following persons appeared and were heard substantially as follows:

J. W. SANDERS, represented also by his attorney, Raymond Furr, protested the change on the ground that there was not enough business in this area to justify another store, the purpose for which the change was being asked; but stated that his objection would be withdrawn in favor of a community center.

A. F. SMITH indorsed the opposition expressed by Mr. Sanders on the ground that he had sold the present store building to Mr. Sanders and objected to competition for him.

C. F. NAUERT, proponent, plead for the change on the ground that a majority of the surrounding property owners considered there was a need for another store.

J. H. BARBER, and other property owners present, also spoke in favor of the change.

A letter from MRS. V. L. BROOKS indorsing the change was received.

After a full and fair hearing, in which all present were given an opportunity to be heard, it was moved by Councilman Gillis that the above change in zoning of the property facing East 47th Street between Red River Street and Depew Avenue, from "A" Residence District to "C" Commercial District, be granted; and that the City Attorney be instructed to prepare an amendment to the Zoning Ordinance making said change effective, for passage at the next regular meeting. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

The application of CHARLES L. SUMMERS, 300 Congress Avenue, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1942 Model, Serial No. 2BHO92109, Engine No. BA56453, State License (1942) No. N23578, (1944) No. FR921, to replace Taxicab License No. 59 cancelled by L. G. Day, recommended for approval by the Acting City Manager, was submitted. Councilman Alford moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

The application of HORACE WERTH PLATT, 300 Congress Avenue, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1941 Model, State License (1945) No. FR3970, Motor No. AA993-139, to replace Taxicab License No. 73 cancelled by Willie D. Owens, recommended for approval by the Acting City Manager, was submitted. Councilman Alford moved that the application be approved. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

The application of CURTIS HUGH BAGLEY, 612 West 31 $\frac{1}{2}$ Street, for a taxicab driver's permit, recommended for approval by the Acting City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

The application of MARVIN MARK HAGOOD, 203 Elmwood Street, for a taxicab driver's permit, recommended for approval by the Acting City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

The application of OPHAL NEWEL MOORE, 507 West 38th Street, for a taxicab driver's permit, recommended for approval by the Acting City Manager, was submitted. Councilman Gillis moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

The application of SGT. BERNIE G. GRINNELL, Bergstrom Air Base, for a taxicab driver's permit, recommended for approval by the Acting City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

The application of RAYMOND C. SHACKELFORD, colored, for a Wine and Beer license at Del Norte Cafe, 1629 Rosewood Avenue, was submitted. Mayor Miller moved that the license be granted, subject to the application's being in correct form and approved by the Chief of Police, and the Building Inspector. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in BONNIE ROAD from Raleigh Avenue to a point 36 feet east of Robin Hood Trail, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said Bonnie Road.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in WATERSTON AVENUE from a point 33 feet west of Essex Avenue westerly 35 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet south of, and parallel to, the north property line of said Waterston Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in WEST MONROE STREET across Bouldin Avenue intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said West Monroe Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain

franchise granted to said Company by the City of Austin.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Walter E. Seaholm, City Manager, be, and he is hereby, authorized and directed to make and enter into a supplemental lease contract with BRANIFF AIR LINES for additional space to be constructed as a part of the Administration Building of Austin Municipal Airport, such additional space to be located at the Southeast corner of said Building and constructed and finished with the same type of materials and construction as are now existing in said Building, and consisting of four rooms with dimensions as follows:

Baggage Room	- 8'0" x 12'0"	- 96 sq.ft.
Radio Room	9'0" x 12'0"	- 108 sq.ft.
Office	9'0" x 9'6"	- 85 sq.ft.
Store Room	9'0" x 9'0"	- 81 sq.ft.
Total	-	<u>370 sq.ft.</u>

The baggage and radio rooms shall be constructed adjoining the east wall of the present building, and the office and store rooms shall be constructed adjoining the south wall of the present building.

The lease herein provided for shall be for such term, such consideration, and with such provisions and conditions as the City Manager deems in the best interests of the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes: None

Absent: Councilman Wolf

A request for a loading zone at the east curb of the 400 block on Colorado Street extending twenty feet north, was submitted. Councilmen Alford moved that the request be granted, and that the City Attorney be instructed to prepare the necessary ordinance for passage at the next regular meeting. The motion carried by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes: None

Absent: Councilman Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Walter E. Seaholm, City Manager of the City of Austin, be, and he is hereby authorized and directed to enter into a rental contract for a period of one year beginning March 15, 1945, on behalf of Austin Municipal Airport,

Lessor, with Essair, Inc., a corporation organized and existing under the laws of the State of Texas, Lessee, for the use by said Corporation of space in Austin Municipal Airport, for such consideration and on such terms and conditions as to the said Walter E. Seaholm, City Manager, may be deemed proper.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

The following resolution was offered:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1919 through 1943 were assessed in the name of Bessie Carter on Lot 1, Block 12, Outlot 34, Division "B", Plat 37, in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$114.29, and for non-payment of same at maturity, penalty in the sum of \$5.71 has been assessed and interest in the amount of \$106.20 has accrued, making the total amount of taxes, penalties and interest due \$226.20; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$5.71 and one-half of the interest in the sum of \$53.10; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$5.71 and one-half of the interest in the sum of \$53.10 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$5.71 and said interest in the sum of \$53.10 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of the aforesaid taxes and one-half of the interest as aforesaid.

Upon motion, the foregoing resolution was adopted by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes: None
 Absent: Councilman Wolf

There being no further business, upon motion, seconded and carried, the meeting was recessed at 12:10 P. M., subject to call of the Mayor.

APPROVED

Tom Miller

MAYOR

ATTEST:

Salie M. Keller CITY CLERK